

REMARKS

Claims 1-4, 8-16, 30-32, 36-46, and 48-83 are pending. Claims 1, 2, 4, 8-16, 30-32, 36-44, 46 and 48-83 are under examination. Claims 3, 30-32, 36-43, 45, 55, 56, 65 and 74-83 have been canceled. Claims 1 and 16 have been amended to incorporate the limitations of claims 56 and 65, respectively, and the amendment is supported throughout the specification and the claims as filed. Accordingly, these amendments do not raise an issue of new matter and entry thereof is respectfully requested. Entry of the proposed amendments is respectfully submitted to be proper because the amendments are believed to place the claims in condition for allowance.

Objection to the Claims

Claims 56-73 are indicated to be objected to for depending from a rejected claim. Applicants appreciate the indication by the Examiner that these claims are merely objected to but are not rejected. Claims 56 and 65 have been rewritten in independent form by incorporating the limitation of these claims into claims 1 and 16, respectively. Applicants believe this should place claims 1 and 16 and their dependent claims into condition for allowance. Remaining claims 57-64 and 66-73 depend from claims 1 and 65, respectively, and therefore should also be considered allowable. In addition, the remaining pending claims, claims 2, 4, 8-15, 44, 46 and 48-54, also depend from base claims 1 or 16, and Applicants respectfully submit that these claims should also be considered allowable.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 30-32, 36-43, 55 and 74-82 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Applicants maintain, for the reasons of record, that the phrase “substantially similar drug response” is clear and definite. Nevertheless, to further prosecution, claims 30-32, 36-43, 55 and 74-82 have been canceled without prejudice to Applicants pursuing these claims in a related application. Accordingly, this rejection has been rendered moot, and therefore Applicants respectfully request that this rejection be withdrawn.

Rejection Under 35 U.S.C. § 102

The rejection of claims 1, 2, 4, 8-16, 30-32, 36-44, 46, 48-55 and 83 under 35 U.S.C. § 102(e) as allegedly anticipated by Friend et al., U.S. Patent No. 6,218,122, is respectfully traversed. Applicants maintain, for the reasons of record, that these claims are novel over Friend et al. Nevertheless, to further prosecution, claims 30-32, 36-43, 55 and 74-83 have been canceled without prejudice to Applicants pursuing these claims in a related application. Accordingly, this rejection has been rendered moot with respect to these claims, and therefore Applicants respectfully request that this rejection be withdrawn.

Regarding claims 1, 2, 4, 8-16, 44, 46 and 48-54, Applicants respectfully maintain, for the reasons of record, that these claims are novel over Friend et al. Nevertheless, to further prosecution, independent claims 1 and 16 have been amended to recite "3 or more molecules" without prejudice to Applicants pursuing the unamended claims in a related application. Applicants respectfully submit, as discussed above in more detail, that the amendment of claims 1 and 16 to recite the limitations of claims 56 and 65, respectively, should place these claims into condition for allowance. Further, it is respectfully submitted that the claims depending from claims 1 and 16, claims 2, 4, 8-15, 44, 46 and 48-54, should also be considered allowable. Applicants respectfully submit that claims 1, 2, 4, 8-16, 44, 46 and 48-54 are novel over Friend et al. Accordingly, Applicants respectfully request that this rejection be withdrawn.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

09/919,360

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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